

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

1201 NORTH MARKET STREET
P.O. BOX 1347
WILMINGTON, DELAWARE 19899-1347

(302) 658-9200
(302) 658-3989 FAX

JACK B. BLUMENFELD
(302) 351-9291
(302) 425-3012 FAX
jblumenfeld@mnat.com

June 24, 2016

The Honorable Christopher J. Burke
United States District Court
For the District of Delaware
844 North King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *Contour IP Holding, LLC, et al. v. GoPro, Inc.*
C.A. No. 15-1108 (LPS) (CJB)

Dear Judge Burke:

On June 21, 2016, Plaintiff Contour IP Holding, Inc. (“CIPH”) and iON Worldwide, Inc. (“iON”) (collectively, “Plaintiffs”) submitted to Your Honor a letter concerning the status of iON as a plaintiff (D.I. 58). CIPH’s update –which comes two months after it was promised – leaves out significant details that bear on GoPro’s pending Motions for Costs and to Stay (D.I. 10) and for a Stay Pending *Inter Partes* Review (D.I. 14). As set forth below, GoPro requests the opportunity to address this matter at the telephone conference on July 8, 2016.

During the hearing on GoPro’s Motions on April 19, 2016, iON’s status as an exclusive licensee and its standing to sue were discussed. At that time, Plaintiffs’ counsel said there was a “dispute” about whether iON’s exclusive license had been terminated. He expected to be able to provide the Court “with a status update within the next week. . . .”

Plaintiffs’ counsel did not mention that CIPH had in fact filed suit against iON, in District Court in Utah two months earlier, on February 19, 2016, over the termination of iON’s license. On March 6, CIPH filed a motion for a temporary restraining order to prohibit iON from making and selling products subject to the terminated license agreement. On June 13, CIPH dismissed the case. Plaintiffs failed to disclose anything about that litigation to the Court or GoPro.

The Honorable Christopher J. Burke

June 24, 2016

Page 2

Plaintiffs' Utah litigation and the issues it raises bear on the pending Motions before this Court. Among other things, these events may shed light on the corporate identity of CIPH and iON, their forum shopping and their standing to sue. It also is relevant to case management issues. Accordingly, GoPro requests the opportunity to address these matters and their relevance to the pending Motions and to the management of the case during the July 8, 2016 conference, or at another time convenient to the Court. .

Respectfully,

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)

JBB/dlw

cc: Clerk of Court (Via Hand Delivery)
All Counsel of Record (Via Electronic Mail)